

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



Project Name: HILDMAN SHORT PLAT

Case Number: PLD2009-00003, SEP2009-00004, EVR2009-00002,
GEO2009-00004

Location: 2929 NW 199th Street

Request: The applicant proposes to short plat approximately 15 acres into
3 residential lots in the Rural 5 (R-5) zoning district.

Applicant: MSE Planning & Engineering, Inc.
Attn.: Samuel E. Moss, Senior Planner
16105 NE 69th Street
Vancouver, WA 98682
(360) 883-0686, E-mail: Samuel@msepe.com

Contact Person: (Same as Applicant)

Property Owner: Douglas and Joanne Hildman
2929 NW 199th Street
Ridgefield, WA 98642

DECISION

Approve subject to Conditions

Team Leader's Initials:  **Date Issued:** April 18, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext. (360)</u> <u>397-2375</u>	<u>E-mail Address</u>
Team Leader:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan, P.E.	4102	Sue.stepan@clark.wa.gov
Engineer (Trans. & Stormwater):	Brad Hazen	4346	Brad.hazen@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov
Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Rural - 5

Parcel Number(s): Tax Lots 106 (180841-000) and 107 (180842-000), located in the NW ¼ of Section 9, Township 3 North, Range 1 East, of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.540.030 (Short Plat), 40.610 (Impact Fees), 40.210.020 (Rural Districts, R-5), 40.500 (Procedure), RCW 58.17 (State Platting Laws)

Neighborhood Association/Contact:

Fairgrounds Neighborhood Association
Bridget Schwarz, President
2110 NW 179th Street
Ridgefield, WA 98642
(360) 573-5873; E-mail: bridget@bridge-i-t.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the

application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 29, 2008. The pre-application not contingently vested.

The application was submitted on January 13, 2009, and determined to be fully complete on February 3, 2009. Given these facts, the application was vested on February 2, 2009 (i.e., the date the fully complete application was submitted). There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on February 3, 2009. The applicant placed the project on hold to resolve traffic and fire safety issues thereby extending the deadline by 21 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on May 21, 2009.

Public Notice:

Notice of application was mailed to the applicant, Fairgrounds Neighborhood Association and property owners within 500 feet of the site on February 17, 2009.

Public Comments:

The county received comments from Tom Halpenny (Exhibit 6). Mr. Halpenny's comments point to a potential error in computing the dimensions of the Hildman property.

The response to Mr. Halpenny's comments is provided in Land Use Finding 4 below, which discusses comments from the Public Works Surveyor's Office (Land Division Section) regarding the preliminary boundary survey of the property.

Project Overview

The applicant proposes to short plat approximately 15.0 acres into 3 residential lots in the R-5 zoning district. The R-5 district requires a minimum lot area of 5 acres for single-family residential development. The district also permits several other uses outright, conditionally and by review and approval (R/A). (See Table 40.220.010-1, Uses, and Table 40.220.010-2, Lot Requirements, for details)

Table 1 below shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural – 5 (R-5)	Rural – 5 (R-5)	1 single-family dwelling and other accessory buildings, forested to the south / southwesterly sections.
North	R-5	R-5	Acreage home site.
East	R-5	R-5	NE 30 th Avenue, acreage home site.
South	R-5	R-5	Forested area parcel.
West	R-5	R-5	Forested area parcel.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Sara silt loam (SIB, SIF, SID) on slopes ranging from zero to 50 percent. Maps from Clark County's GIS Mapping System indicate that the site contains areas of potential instability, severe erosion hazard areas, riparian habitat conservation area, and Washington Department of Fish & Wildlife priority habitat buffer.

The property is located rural Clark County. It is situated in an area served by Fire Protection District 12, Ridgefield School District. Clark Public Utilities provide potable water in the area; and on-site septic systems will serve each lot.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:

Finding 1

The development site is approximately 15.0 acres situated on the south side of NW 199th Street, abutting NW 30th Avenue, a private road. The applicant is proposing a 3-lot short plat, and each lot will be approximately 5 acres in the R-5 district.

Finding 2

A. Table 40.210.020-2 (Lot Requirements) provides the lot requirements in the R-5 zoning district as follows:

- The minimum lot area is 5 acres; or, the lot could legally be described as one one hundred and twenty-eight (1/128) of a section; and,
- The minimum lot width shall be 140 feet; except when the Clark County Fire code requires a greater lot width. The code does not provide a standard for the minimum lot depth.

B. Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) provides the following standards in the R-5 district:

1. Minimum front yard setback	50 feet
2. Minimum side yard setback (street)	25 feet
3. Minimum interior side yard setback	20, 50 feet ¹
4. Rear yard setback	20, 50 feet ²
5. Setback between buildings	8 feet
6. Lot coverage	N/A
7. Maximum building height	35 feet ³

¹ The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

² The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

³ Applies to residential buildings only

Staff finds that the proposed short plat could comply with the lot requirements, setbacks, lot coverage, and building height standards in the code. (See Conditions D-1a and b)

Finding 3

The proposed Lot 2 has an area of 4.5 acres; which is less than the required 5 acre minimum lot area in the R-5 district. CCC 40.200.040 (C) (2), however, permits a newly created lot in a short plat that is substandard, to be considered compliant to the minimum lot area standard in a zoning district, if that lot contains an area that is within 10 percent of permitted lot area within the zoning district. Staff finds that 4.5 acres is 90 percent of 5 acres; or, 10 percent less than the minimum required acreage. A note shall be placed on the final plat stating this. (See Condition D-1c)

Finding 4

The preliminary boundary survey conducted by Public Works Surveyor's Office indicates that significant encroachments exist on the site. The county also received public comments from a neighbor, Tom Halpenny, which indicate potential error in the calculation of the property boundary. The applicant needs to resolve any and all property boundary anomalies prior to final plat recording. (See Condition D-1d)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

(See Standard Note on the final plat)

HABITAT:

Finding 1

A Department of Natural Resources (DNR) type F (fish-bearing) stream flows through portions of the property. According to Title 40.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200' horizontally outward from the ordinary high water mark.

Finding 2

That applicant has proposed building envelopes that are outside of the riparian HCZ on the site. The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance.

Conclusion:

The proposed short plat complies with the Habitat Conservation Ordinance, subject to the following condition of approval.

WETLAND:**Finding 1**

The site contains wetland areas associated with an on-site stream. The applicant has submitted a preliminary plat showing development envelopes that appear to avoid potential wetland and buffer areas. The development envelopes are sufficient to qualify the project for the waiver under CCC 40.450.030(G)(2). The project must comply with standard wetland conditions regarding physical demarcation, showing wetlands and buffers on the final plat, recording a conservation covenant, and adding a plat note that refers to the covenant. (See Conditions C-1a, D-7a, b, and D-10 f, g)

TRANSPORTATION:**Sight Distance**

The sight distance required at the applicants joint driveway onto NE 199th Street is 400 feet looking to the east and west measured at least 15 feet back of the edge of travel way. (See condition D-2a)

Driveway Turnouts

Driveway turnouts shall be spaced no greater than 500 feet per standard detail number 33. (See condition D-2b)

Staff concludes that the applicant can comply with the transportation ordinance/and the approved road modification EVR2009-00002 subject to the conditions, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Conclusion (Transportation):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Not Applicable

STORMWATER:**Finding #1 – Applicability**

The newly created lot 2 and 3 is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate, road runoff may be deducted from area calculations. It appears that there will be over 5,000 square feet of new impervious area will be created in each new lot; therefore, CCC 40.380.040(B) and CCC 40.380.040(C) could apply.

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system,

unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan.

Note: If a licensed Civil engineer or Surveyor certifies at time of building permit application that the 5,000 square foot of total new impervious area is not achieved with the application, then a stormwater plan is not warranted for that lot. (See Condition #E-2)

Conclusion (Stormwater):

Staff concludes that the applicant can comply with the stormwater ordinance, subject to the conditions, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1c)

Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available within 1,000 feet of the property line estimated at 1,400 gpm. (See Condition B-1d)

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. One new fire hydrant will be required.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Clark Fire and Rescue at 360-887-4609 to arrange for location approval. (See Condition B-1e)

Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Conditions A-8a and D-6a)

Finding 6 - Fire Apparatus Turnarounds

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Conditions A-8b and 6b)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities (CPU) provides potable water in the area. A utility review from CPU indicates that adequate water is available in the area to serve this site. The applicant will need to provide the necessary improvements required to provide potable water to each of the three lots from Clark Public Utility prior to final plat recording. (See Condition A-7a)

Finding 2

The use of septic systems is proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been/are hooked up to water and/or sewer. The letter also confirms that septic system permit release (for each lot) is pending approval of the design. (See Exhibit 2, tab 16)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

There is no defined parks improvement district in the area; but, Ridgefield School District Impact Fees (SIF) and Rural 1 Traffic Impact Fees (TIF) will be assessed on 2 of the 3 lots prior to building permit issuance.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, park, school and traffic impact fees shall be assessed on 2 lots as follows:

1. \$4,490.00 SIF per new single-family dwelling in Ridgefield School District; and,
2. \$2,749.47 TIF per new single-family dwelling (made up of \$1,402.23 local and \$1,347.24 regional fees) in Rural 1 Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Conditions D-8f, E-1 and D-10h)

DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Transportation Plan/On-Site:

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

None

A-2 Final Transportation Plan/Off Site (Concurrency):

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

None

A-3 Transportation:

a. Signing and Striping Plan:

None

b. Traffic Control Plan:

None

A-4 Final Stormwater Plan:

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

None

A-5 Erosion Control Plan:

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380

None

A-6 Final Landscape Plan:

The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (ref: CCC 40.320).

Not applicable

A-7 Health Department Review:

- a. The applicant shall provide the necessary improvements required to connect each lot to potable water provided by Clark Public Utilities. Existing structures that utilize water shall also be connected to public water if they are not already so connected. (See Water and Sewer Finding 1)
- b. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-8 Fire Marshal Requirements:

- a. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)
- b. Fire Apparatus Turnarounds: New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or

less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding 6)

A-9 Excavation and Grading:

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference:

a. Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

b. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established.

c. Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

d. Fire Flow

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 3)

e. Fire Hydrants

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 9 at 360-834-4908 to arrange for location approval.

B-2 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control:

Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

C-1 Wetland Buffers:

- a. Permanent physical demarcation of the boundaries in a manner approved by the Responsible Official (i.e. fencing, hedgerows, berms etc.), and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less. (See Wetland Finding 1).

The existing treeline in the southern and eastern portions of the property will be sufficient permanent physical demarcation.

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use – Zoning:

- a. Prior to final plat recording, each lot shall comply with the lot requirements in Table 40.210.020-2 (Lot Requirements) as follows:
 - i. The minimum lot area is 5 acres; or, property that can legally be described as one one hundred and twenty-eight (1/128) of a section; except that Lot 2 shall be, at a minimum, 4.5 acres per CCC 40.200.040 (C); and,
 - ii. The minimum lot width shall be 140 feet; except when the Clark County Fire code requires a greater lot width. The table does not include a minimum lot depth standard (or requirement).
- b. Prior to final plat recording, each lot shall comply with the lot requirements in Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) as follows:
 1. Minimum front yard setback 50 feet
 2. Minimum side yard setback 25 feet

3. Minimum interior side yard setback (street)	20, 50 feet ⁴
4. Rear yard setback	20, 50 feet ⁵
5. Setback between buildings	8 feet
6. Lot coverage	N/A
7. Maximum building height	35 feet ⁶

- c. Lot 2 shall, at a minimum, have a lot area of 4.5 acres consistent with the standards in CCC 40.210.040 (C) (2). (See Land Use Finding 3)
- d. The applicant shall resolve any and all surveyed property boundary anomalies identified by the county surveyor's office during the site's preliminary boundary survey prior to final plat recording. (See Land Use Finding 4)

D-2 Transportation:

- a. The applicant shall comply with the condition of approval in the approved road modification EVR2009-00002.
- b. Driveway turnouts shall be spaced no greater than 500 per standard detail number 33. The applicant shall construct the turnouts per standard detail number 33 no greater than 500 feet prior to recording of the plat.
- c. At a minimum, the applicant shall provide a 20 foot wide joint access driveway easement shall for lots 1, 2, and 3, onto NE 199th Street.

D-3 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC 14.07.

D-4 Health Department Signature Requirement:

The Health Department is not required to sign the final plat, unless the use of well or septic systems is proposed.

D-5 On-Site Water Wells and Sewage System Requirements:

For on-site water wells and sewage system, the following requirements shall be completed:

- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;

⁴ The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

⁵ The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

⁶ Applies to residential buildings, only

- b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- d. Each on-site sewage system shall be on the same lot it serves;
- e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- h. A copy of the County approved final drainage plan shall be submitted for review; and,
- i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

D-6 Fire Marshal Requirements:

a. Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

- b. New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding 6)

D-7 Wetlands:

- a. The wetland and buffer boundaries shall be delineated on the face of the Final Plat. (See Wetland Finding 1)

- b. A conservation covenant shall be submitted for recording with the County Auditor that runs with the land and requires that the wetlands and buffers remain in their natural state. (See Wetland Finding 1)

D-8 Developer Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Private Road Maintenance Covenant: "A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with

the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g)."

- b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Land Near Agricultural, Forest or Mineral Resources: "Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage."
- f. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this short plat are: \$4,490.00 (Ridgefield School District) and \$2,749.47 (made up of \$1,402.23 local and \$1,347.24 regional fees in Rural 1 TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D9 Addressing:

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-10 Plat Notes:

The following notes shall be placed on the final plat:

- a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: Home owners in Hildman Short Plat."
- f. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref # ___) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- g. Wetland Development Envelopes: "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450). Other building setbacks may apply within the development envelopes

- h. Impact Fees: "The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- "i. \$4,490.00 per dwelling for School Impact Fees (Ridgefield School District); and,
 - "ii. \$2,749.47 per dwelling Traffic Impact Fees (made up of \$1,402.23 local and \$1,347.24 regional fees in Rural 1 TIF district).

"If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate."

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Impact Fees:

The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- i. \$4,490.00 per dwelling for School Impact Fees (Ridgefield School District); and,
- ii. \$2,749.47 per dwelling Traffic Impact Fees (made up of \$1,402.23 local and \$1,347.24 regional fees in Rural 1 TIF district).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

E-2 Engineering requirements:

Stormwater:

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system for lot 2 and 3 only, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan. Note: if a licensed Civil engineer or Surveyor certifies that at time of building permit application that the 5,000 square foot of total new impervious area is not achieved with the application then a stormwater plan is not warranted for that lot. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established and approved by Clark County.

F	Occupancy Permits
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	Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater:

A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND,**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building Elevation Approvals:

Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on May 18, 2009. Therefore any appeal must be received in this office by 4:30 PM, June 1, 2009.

Appeal Deadline

4:30 PM, June 1, 2009

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

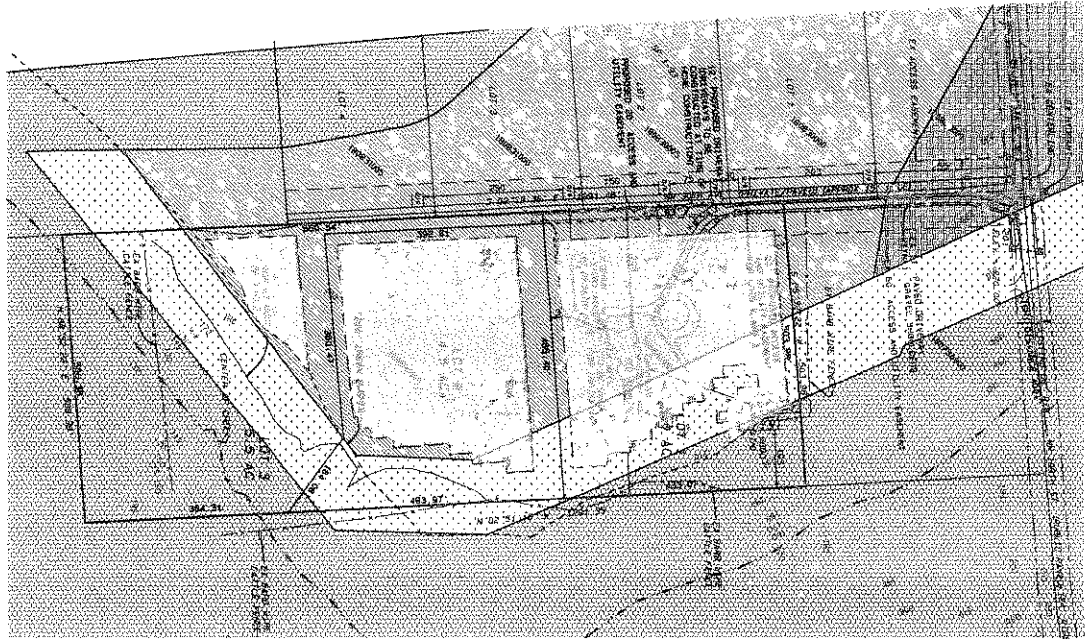
Attachments:






- Copy of Proposed Preliminary Plan
- Copy of Road Modification

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:


**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**


A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>




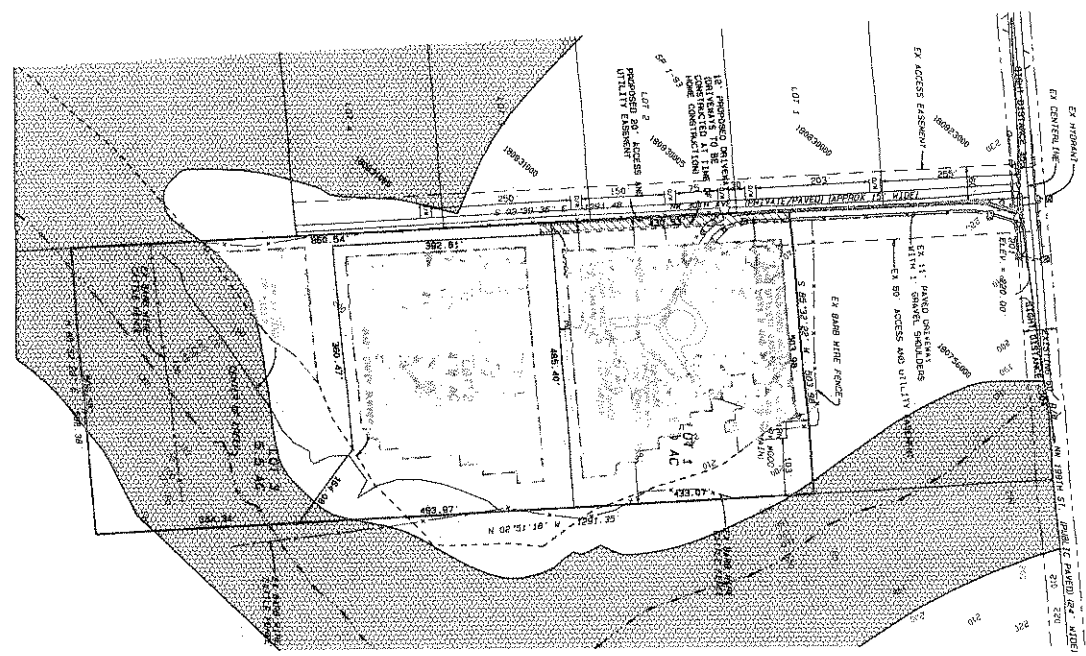
-  - PROPOSED BUILDING ENVELOPES
-  - LOW-MODERATE (20%-40%)
-  - MODERATE (40%-60%)
-  - MODERATE-HIGH (60%-80%)
-  - HIGH (80%-100%)



 - LANDSLIDE HAZARD AREAS, UNSTABLE SLOPES AND LANDSLIDE STATUS (GIS DIGITAL DATA)

 - PROPOSED BUILDING ENVELOPES

 - STEEP SLOPES AND SEVERE EROSION HAZARD AREAS (GIS DIGITAL DATA)





CLARK COUNTY
WASHINGTON

proud past, promising future

**DEPARTMENT OF
PUBLIC WORKS
DEVELOPMENT ENGINEERING**

ROAD MODIFICATION REPORT & RECOMMENDATION

Project Name	Hildman Short Plat
Case Number	EVR 2009-00002
Staff Engineer	Brad Hazen
Report Issue Date	April 28 th , 2009

SUBJECT PROPERTY:

Parcel No.	Address	Zoning	Parcel Size (acre)
180841000	2929 NW 199 th Street	R-5	15.0
180842000			

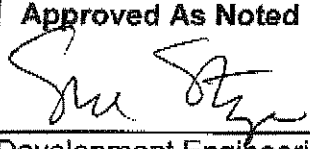
Project Description	The applicant proposes a two lot short plat in the rural area.
Road Modification Request	<ol style="list-style-type: none"> 1. To reduce sight distance at the applicants joint driveway. 2. To reduce driveway spacing requirements at the applicants joint driveway.
Code Sections	<ol style="list-style-type: none"> 1. Table 40.350.030-11 Controlled Intersection, Public Road and Driveway Sight Distance. 2. Table 40.350.030-7 Driveway Spacing on Arterials/Collectors

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

<u>Applicant's Discussion</u>	See road modification request submitted by MSE Planning and Engineering, Inc. Dated November 2008. (Exhibit A).
<u>Staff's Evaluation</u>	<p>1&2.</p> <p>NW 199th Street is posted 40 mph and is classified as a Rural Minor Collector Roadway. The existing driveway spacing from NW 30th Avenue to the existing joint driveway is about 35 feet, the Clark County Road Standards require a minimum driveway spacing of 185 feet. The applicant's sight distance to the west is about 355 feet, measured at 15 feet back of travel lane and to the east is well over 400 feet. The limiting sight distance factor is the vertical curve in the roadway. Sight distance required for this driveway is 400 feet. The applicant proposes a limited sight distance sign ahead for mitigation of this lack of sight distance. The County does not accept this type of sign for sight distance mitigation. The applicants engineer has submitted an additional Sight Distance profile (Exhibit B) that at 20 feet back of travel lane and with some of the roadside embankment removed sight distance of 400 feet can be achieved.</p>
<u>Recommendation</u>	Staff finds criteria (a,d) are applicable, therefore recommends approval of this road modification request with the following condition of approval for this short plat.
<u>Condition</u>	The applicant shall comply to Exhibit B prepared by Valerie Uskoski by removing the area of embankment blocking sight distance prior to issuance of final plat.

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved As Noted	<input type="checkbox"/> Denied
		4-29-2009
Sue Stepan, P.E., Development Engineering Program Manager		DATE

HILDMAN SHORT PLAT
Narrative for a
ROAD MODIFICATION REQUEST
(DESIGN AND ADMINISTRATIVE MODIFICATION)

Prepared by
MSE PLANNING & ENGINEERING, INC.
16105 NE 89TH STREET
VANCOUVER, WA 98682

November 2008

Exhibit A

INTRODUCTION

The applicant requests these administrative and design modifications: Allow an existing access to remain with a minor reduction in sight distance and driveway spacing.

This short plat has proposed to utilize an existing driveway to serve the proposed 3 lot short plat. The existing driveway resides within a 60 foot access easement across the parcel to the north which abuts NW 199th St. This existing 60 foot access easement is the only access available to the 15 acre proposed short plat. The applicant has no alternate access for this project. (See preliminary plat)

ROAD MODIFICATION REQUEST #1 SIGHT DISTANCE

The applicant is requesting a design road modification:

Place an impaired sight distance sign west of the existing access along NW 199th Street to mitigate for a minor reduction in sight distance. The driveway has 400+ feet sight distance to the east.

BASIS FOR DESIGN ROAD MODIFICATION

The proposed NW 199th St is posted at 40 mph. Table 40.350.030-11 states that at 40mph the required sight distance is 400 feet. Measured from the existing driveway access, the sight distance to the west is measured at 355 feet. We are asking for a minor reduction in the sight distance which shall be mitigated by posting an impaired sight distance sign posted for 35 mph.

NW 199th St for several miles to the east and west is a rolling road. Several places upon NW 199th St have existing sight distance warning signs ranging from 30-35 mph. This additional sign would not be unreasonable for the immediate area.

According to CCC 40.550.010.A.1, a modification to the Road Standards may be granted in accordance when any one of four criteria within this section is met. The applicant requests this administrative road modification based upon criteria number a, b, c, and d, which state:

- a. *"Topography, right-of-way, existing construction or physical conditions, or other geographical conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available."*

The existing construction and topographical conditions of NW 199th Street have caused the applicant to be unable to meet the required 400 feet of sight distance to the west along NW 199th St. The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The installation of the 35 mph sight distance impaired sign would improve safety for this project and also improve the safety of the existing private NW 30th Ave to the west which only has 340 feet of sight distance.

This would be an equivalent alternative to the required sight distance which would accomplish the same purpose.

Hildman Road Modification

- b. *"A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship."*

The existing construction and physical conditions of NW 199th Street have caused the applicant to be unable to meet the required 400 feet of sight distance to the west along NW 199th St. The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The installation of the 35 mph sight distance impaired sign would improve safety for this project and also improve the safety of the existing private NW 30th Ave to the west which only has 340 feet of sight distance. The applicant has no ability to change the location of the projects access.

By denying this road modification the proposed short plat would not be able to divide under the current zoning density.

- c. *"An alternative design is proposed which will provide a plan equal to or superior to these standards."*

The existing construction and physical conditions of NW 199th Street have caused the applicant to be unable to meet the required 400 feet of sight distance to the west along NW 199th St. The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The installation of the 35 mph sight distance impaired sign would improve safety for this project and also improve the safety of the existing private NW 30th Ave to the west which only has 340 feet of sight distance.

By posting the sight distance warning sign, this will provide an equal alternative to the required sight distance and provide additional safety to the NW 30th Ave to the west.

- d. *"Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created."*

The existing construction and physical conditions of NW 199th Street have caused the applicant to be unable to meet the required 400 feet of sight distance to the west along NW 199th St. Any off-site improvements upon NW 199th St to the west to try and correct the existing road alignment would result in extreme cuts and fills in the roadway, major realignment and grading of existing driveways, acquisition of right-of-way, and be absolutely disproportional to the project for the addition of 2 lots.

CONCLUSION

The applicant requests this administrative road modification be granted: Allow the existing driveway to provide access to the proposed short plat by mitigating for the existing sight distance.

Hildman Road Modification

ROAD MODIFICATION REQUEST #2 DRIVEWAY SPACING

The applicant is requesting an administrative road modification:

Allow the existing driveway access spacing to remain in its current location to serve the proposed development (driveway spacing shown on preliminary plat).

BASIS FOR ADMINISTRATIVE ROAD MODIFICATION

According to CCC 40.550.010.A.1, a modification to the Road Standards may be granted in accordance when any one of four criteria within this section is met. The applicant requests this administrative road modification based upon criteria number a, b, c, and d, which state:

- a. *"Topography, right-of-way, existing construction or physical conditions, or other geographical conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available."*

The applicant has an existing 60 foot driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The existing access will remain and no new access to NW 199th St is proposed.

- b. *"A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship."*

The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The applicant has no ability to acquire adjacent property for the use of driveway access to NW 199th St. The applicant only wishes to utilize the existing driveway for the 3 lots and does not propose any new access to NW 199th St.

By denying this road modification the proposed short plat would not be able to divide under the current zoning density.

- c. *"An alternative design is proposed which will provide a plan equal to or superior to these standards."*

The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The applicant has no ability to acquire adjacent property for the use of driveway access to NW 199th St.

By not proposing any new access to NW 199th St the applicant is providing the best possible solution available to mitigate for the driveway spacing standards.

Hildman Road Modification

- d. *"Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created."*

The applicant has an existing driveway easement accessing the project which runs across the parcel to the north connecting to NW 199th St. The applicant has no other available access point for this project. The applicant has no ability to acquire adjacent property for the use of driveway access to NW 199th St. It is not feasible to acquire additional property to access NW 199th St would be disproportional to this project.

CONCLUSION

The applicant requests this road modification be granted: Allow the existing driveway to provide access to the proposed short plat by utilizing the existing driveway spacing.

Hildman Road Modification



MSE Planning & Engineering, Inc.
16105 NE 89th St.
Vancouver, WA 98682
(360) 883-0686 Office
(866) 652-4063 Fax

January 28, 2009

Clark County Community Development
1300 Franklin Street
Vancouver, WA 98660

Re: Sight Distance Certification for Hildman Short Plat (PAC2008-00076)

To Whom It May Concern:

The pre-application report for this project states that:

Applicant to comply with sight distance requirements.

The proposed short plat will utilize an existing driveway to provide access from NW 199th St to the newly created lots.

Sight distance to the east measures more than the required 400 feet.

Sight distance to the west measures less (measures 355 feet) than the required 400 feet.

A road modification for sight distance has been submitted to allow the use of the existing driveway for access to the site.

My signature certifies that the applicable sight distance standards to the east have been met and the sight distance to the west is proposed to be addressed by the submitted road modification.

Sincerely,

Valerie Uskoski, P.E.



1/28/09

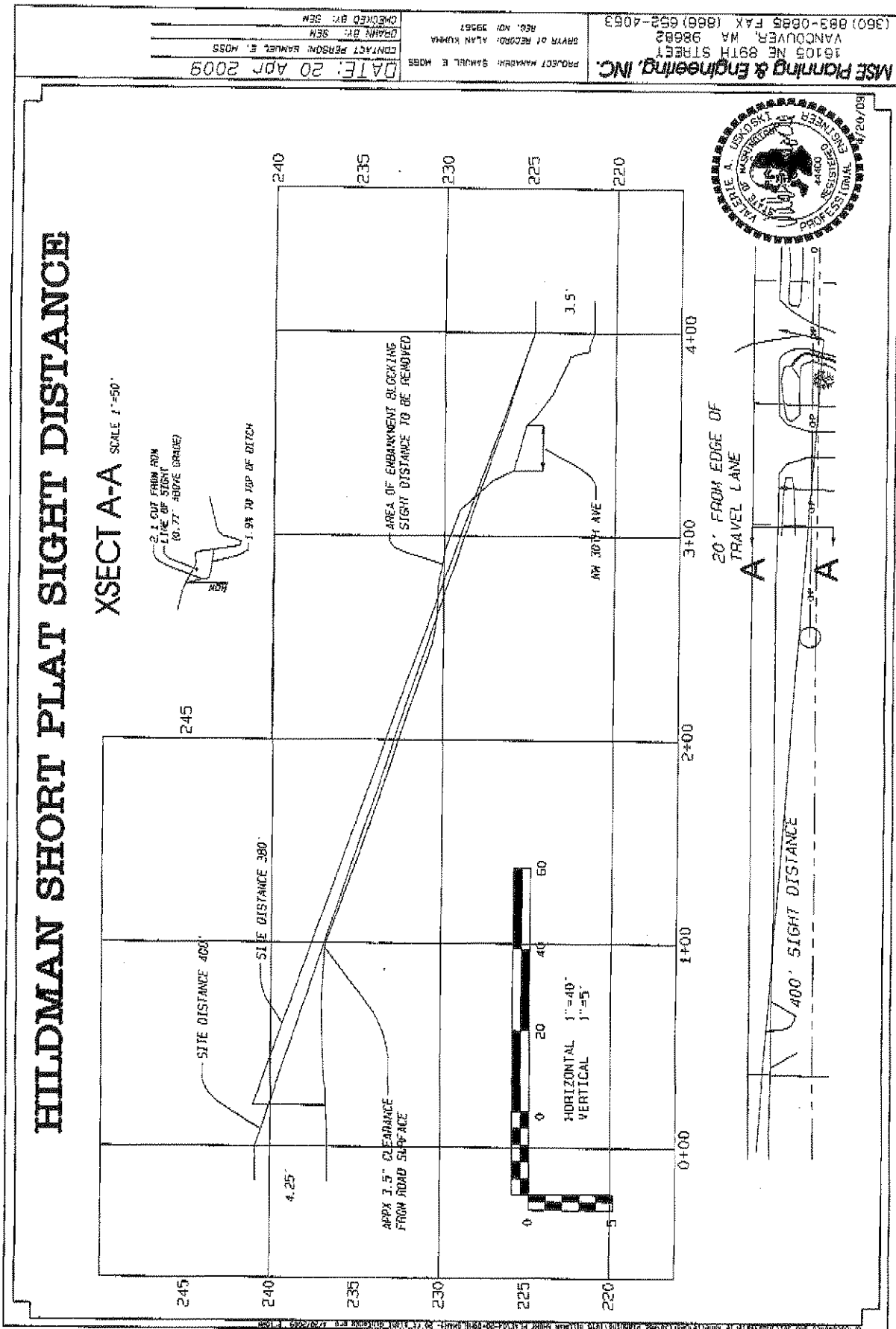


Exhibit B